

REMARKS

Claims 1-3 and 6-10 are amended herein. Claims 11-15 are canceled. New Claims 16-18 are added. Claims 1-3, 6-10 and 16-18 are pending.

103(a) Rejection

Claims 1-3 and 6-10 are rejected under 35 U.S.C § 103(a) as being unpatentable over Wartski et al. ("Wartski;" US 5,732,082) in view of Backes et al. ("Backes;" US 5,818,838). The Applicants have reviewed these references and respectfully assert that the present invention as recited in Claims 1-3 and 6-10 is not anticipated nor rendered obvious by Wartski and Backes, alone or in combination.

Independent Claim 1 recites that an embodiment of the present invention is directed to a "network adaptor driver comprising a mechanism for selecting from said data packets according to their respective destination addresses, said mechanism for establishing a second order for transmitting said data packets that is different from said first order, said second order established by first selecting at least one data packet having said first destination address and then selecting at least one data packet having said second destination address such that during said transmitting said data packets are essentially evenly distributed between said first and second destinations."

Independent Claim 6 recites that an embodiment of the present invention is directed to a method wherein "prior to transmitting said data packets, establishing a second order for transmitting said data packets that

is different from said first order by first selecting at least one data packet having said first destination address and then selecting at least one data packet having said second destination address such that during said transmitting said data packets are essentially evenly distributed between said first and second destinations." Claims 2 and 3 are dependent on Claim 1, and Claims 7-10 are dependent on Claim 6.

Applicants respectfully submit that Wartski does not show or suggest the embodiments of the present invention recited in independent Claims 1 and 6. Applicants understand Wartski to only describe a method and system in which data cells are received and sorted into frames, wherein higher priority frames are then processed first. Wartski does not show or suggest reordering data packets according to their respective destination addresses and then transmitting the data packets in the new order so that the data packets, when transmitted, are distributed evenly between the first and second destinations, as recited in independent Claims 1 and 6.

Backes does not overcome the shortcomings of Wartski. Backes, alone or in combination with Wartski, does not show or suggest a "network adaptor driver comprising a mechanism for selecting from said data packets according to their respective destination addresses, said mechanism for establishing a second order for transmitting said data packets that is different from said first order, said second order established by first selecting at least one data packet having said first destination address and then selecting at least one data packet having said second destination address such that during said transmitting said data packets

are essentially evenly distributed between said first and second destinations" as recited in independent Claim 1.

Backes, alone or in combination with Wartski, also does not show or suggest a method wherein "prior to transmitting said data packets, establishing a second order for transmitting said data packets that is different from said first order by first selecting at least one data packet having said first destination address and then selecting at least one data packet having said second destination address such that during said transmitting said data packets are essentially evenly distributed between said first and second destinations" as recited in independent Claim 6.

Therefore, Applicants respectfully submit that Wartski and Backes, alone or in combination, do not show or suggest the present invention as recited in independent Claims 1 and 6, and that Claims 1 and 6 traverse the Examiner's basis for rejection under 35 U.S.C. § 103(a). Applicants also respectfully submit that Claims 2-3 (dependent on Claim 1) and Claims 7-10 (dependent on Claim 6) traverse the Examiner's basis for rejection under 35 U.S.C. § 103(a) as these claims are dependent on allowable base claims and recite additional limitations.

CONCLUSION

In light of the above remarks, Applicants respectfully request reconsideration of the rejected Claims.

Based on the arguments presented above, Applicants respectfully assert that Claims 1-3 , 6-10, and 16-18 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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